

109TH CONGRESS
1ST SESSION

H. R. 4422

To enhance homeland security by preventing unauthorized access to explosive materials stored by State or local agencies.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. SHAYS (for himself, Mr. LANTOS, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enhance homeland security by preventing unauthorized access to explosive materials stored by State or local agencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding Explo-
5 sives for Homeland Security Act”.

6 **SEC. 2. PREVENTION OF UNAUTHORIZED ACCESS TO EX-**
7 **PLOSIVE MATERIALS STORED BY STATE OR**
8 **LOCAL AGENCIES.**

9 (a) REPORTS ON LOCATIONS, TYPES, AND AMOUNTS
10 OF STORED EXPLOSIVE MATERIALS.—

1 (1) INITIAL REPORTS.—Within 6 months after
2 the date of the enactment of this Act, each State
3 shall submit to the Attorney General a written re-
4 port that specifies each location at which any agency
5 operating under State law stores or keeps explosive
6 materials that have been shipped or transported in
7 interstate or foreign commerce, and the types and
8 amounts of such materials stored or kept at the lo-
9 cation.

10 (2) SUBSEQUENT REPORTS.—At such times as
11 the Attorney General shall provide in regulations,
12 each State shall submit to the Attorney General a
13 written report that updates the most recent report
14 submitted by the agency pursuant to this subsection.

15 (b) REGULATIONS GOVERNING STORAGE OF EXPLO-
16 SIVE MATERIALS.—Within 6 months after the date of the
17 enactment of this Act, the Attorney General shall pre-
18 scribe final regulations governing the storage and keeping
19 by State or local agencies of explosive materials that have
20 been shipped or transported in interstate or foreign com-
21 merce. The regulations shall set forth the standards of
22 public safety and security against theft which any place
23 at which explosive materials that have been shipped or
24 transported in interstate or foreign commerce are so
25 stored or kept shall meet, and shall, at a minimum, re-

1 quire any such place to be subject to video surveillance
2 or to have in operation an alarm system capable of noti-
3 fying the agency of unauthorized entry.

4 (c) INSPECTION AUTHORITY.—The Attorney General
5 may enter during business hours any place where a State
6 or local agency stores or keeps explosive materials that
7 have been shipped or transported in interstate or foreign
8 commerce, for the purpose of inspecting the explosive ma-
9 terials and determining whether the materials are being
10 stored or kept in compliance with the regulations pre-
11 scribed under subsection (b).

12 (d) AUTHORITY TO IMPOSE PENALTY FOR NON-
13 COMPLIANCE.—

14 (1) AUTHORITY TO REDUCE GRANTS.—If a
15 State or local agency fails to comply with this sec-
16 tion or any regulation prescribed under this section,
17 the Attorney General may reduce by 10 percent the
18 funds that the agency would otherwise receive, or
19 would otherwise be allocated, under any grant pro-
20 gram of the Department of Justice.

21 (2) REALLOCATION OF FUNDS.—Any funds
22 that are not allocated to a State or local agency by
23 reason of paragraph (1) shall be reallocated to other
24 State or local agencies whose grants are not reduced
25 by reason of paragraph (1).

1 **SEC. 3. MATCHING GRANTS.**

2 (a) APPLICATION.—A State or local agency may sub-
3 mit to the Secretary of Homeland Security an application
4 for a grant under this section, which shall contain—

5 (1) a good faith estimate of the total amount
6 the agency will need to expend to comply with the
7 regulations prescribed under section 2(b); and

8 (2) a certification that the agency has obtained
9 commitments to receive from State or local sources
10 sums totalling not less than $\frac{1}{2}$ of the amount re-
11 ferred to in paragraph (1), and will expend the sums
12 to achieve such compliance.

13 (b) GRANT AUTHORITY.—The Secretary of Home-
14 land Security may make a grant under this section to an
15 applicant therefor if—

16 (1) the application contains the information re-
17 quired by subsection (a)(1) of this section; and

18 (2) the applicant has submitted to the Sec-
19 retary of Homeland Security all reports required
20 from the applicant by or under section 2(a).

21 (c) AMOUNT OF GRANT.—The amount of the grant
22 to be made to an applicant under this section shall not
23 exceed $\frac{1}{2}$ of the amount set forth in the application pursu-
24 ant to subsection (a)(1).

25 (d) USE OF GRANT.—An applicant who receives a
26 grant under this section shall use the grant only to cover

1 the cost of complying with the regulations prescribed
2 under section 2(b).

3 (e) LIMITATIONS ON AUTHORIZATION OF APPRO-
4 PRIATIONS.—For grants under this section, there are au-
5 thorized to be appropriated to the Secretary of Homeland
6 Security \$10,000,000, without fiscal year limitation.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) EXPLOSIVE MATERIALS.—The term “explo-
10 sive materials” has the meaning given in section
11 841(c) of title 18, United States Code.

12 (2) AGENCY.—The term “agency” does not in-
13 clude any component of the National Guard.

14 (3) STATE.—The term “State” includes the
15 District of Columbia.

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